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SUBJECT: EMBASSY - GOR ROUNDTABLE: RULE OF LAW IN RWANDA

¶1. (SBU) Summary. As part of a continuing dialogue on human rights, the Mission met with senior Rwandan officials to discuss the Rule of Law in Rwanda. Discussions focused chiefly on the role of the judiciary, procedures for redressing police abuses, and the role of the Ministry of Justice in the Gacaca courts. GOR officials delineated the existing codes of ethics for judges, administrative structures for selection of qualified candidates, and disciplinary proceedings for wayward jurists. For the police, various bodies exist for receiving complaints from the public, and for disciplining police officers who violate the law. GOR officials emphasized "no special treatment" for any category of citizens, including members of the media, regarding investigations of possible offenses. While the Ministry of Justice has "administrative" oversight of Gacaca courts, the courts are independent, and a Gacaca secretariat conducts disciplinary proceedings in cases of abuse by Gacaca officials. End Summary.

¶2. (U) Ambassador Arietti and Mission officers met September 12 with Ambassador Richard Sezibera, Special Envoy for the Great Lakes, Vice President of the Supreme Court Sam Rugege, Prosecutor General Martin Ngoga, and officials from the Ministry of Justice and the Gacaca courts. The fourth in a continuing series of meetings on human rights in Rwanda, the topic for the day, Rule of Law, centered on the independence of the courts, the procedures for redressing police abuses, and the role of the Ministry of Justice in Gacaca proceedings.

¶3. (U) Supreme Court Vice President Rugege explained at length the existing code of judicial ethics, the procedures for selection of judges, and the administrative procedures for disciplining misbehaving judges. A Judicial Inspectorate conducts investigations, and refers serious offenses to the Superior Council of the Judiciary. The Council can and does dismiss judges -- several district court judges were dismissed in 2005, he said, in corruption cases. The Ombudsman also refers cases to judicial authorities, when contacted by aggrieved members of the public. When questioned on the prevalence of attempts to influence the judiciary, the Rwandan delegation readily admitted that such cases occurred. However, they said less qualified and less adequately remunerated lower court judges were the usual objects of such approaches.

¶4. (SBU) On abuses by the police, a senior police official explained that a disciplinary council addressed allegations of police abuse, either from internal investigations, or from cases referred by the Human Rights Commission or the Ombudsman. She mentioned that there were 15 current cases underway, and that the police had dismissed a number of

officers in the past for abusive behavior toward the public. Questioned on the subject of investigations involving journalists, the Rwandan delegation said that investigating officers accorded no "special treatment" to anyone, be it journalists, engineers or any other profession or category of citizen. Police had independent powers of investigation, and had no requirement to discuss or clear investigations with the National Press High Council or other entities. However, the prosecutor's office would then determine which investigations actually merited the filing of criminal charges, including criminal libel cases or breach of national security. When pressed by the Ambassador, the Rwandan delegation acknowledged the "sensitivity" of cases involving the media, and said that offices outside the police were kept informed of such investigations.

¶5. (U) On Gacaca, a Ministry of Justice official explained that the Ministry exercised a limited form of "administrative" oversight of the Gacaca court system, assisting with such matters as the collection of public complaints (which the Gacaca secretariat then assessed and processed). The Gacaca courts had full judicial independence in regard to its caseload, appeals and imposition of sentences.

¶6. (SBU) Comment. The GOR delegation gave a comprehensive response to the Mission's questions regarding the existing administrative and judicial machinery in place to deter abuse of the public and corruption among the police and the courts. Readily acknowledging that abuses did occur, the officials expressed their commitment to the redress of abuses generally. On the subject of criminal investigations of media outlets, where publications were alleged to be either criminally libel or infringing on national security, these officials invoked the principle of equal treatment of criminal suspects (a core principle of the rule of law). However, they did acknowledge that investigating journalists for what they print or broadcast is not quite the same as investigating someone for tax fraud or other run-of-the-mill crime.

¶7. (SBU) Comment continued. This is an area where further patient approaches by this Mission on the subject of an independent media can reap dividends. We find today that the local press is able and willing to publish very critical pieces on the GOR, without reaction of any kind from the government. The balance of investigatory powers versus freedom of the press could be positively altered, for example, by a decision to make libel a civil, not criminal, matter. We will continue to encourage such constructive change. End comment.

ARIETTI